

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Truth Will Set You Free Inc.)	File No. EB-FIELDSCR-17-00025704
Licensee of Station WEXI-LP)	
)	
Facility ID: 194827)	
)	
Hallandale, Florida)	

NOTICE OF VIOLATION

Released: April 4, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to The Truth Will Set You Free Inc., licensee of Low Power FM (LPFM) station WEXI-LP in Hallandale, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On December 5, 2017, in response to a complaint, agents of the Enforcement Bureau's Miami Office investigated and found the following violations:

- a. 47 C.F.R. § 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization..." WEXI-LP is authorized to operate on frequency 102.3 MHz from coordinates 25° 58' 45" N latitude and 80° 07' 09" W longitude, with an antenna height of 72 meters and a transmitter output power (TPO) of 23 watts. On December 5, 2017, agents confirmed by direction finding techniques that radio station WEXI-LP was operating from antenna structure 1224225 located at coordinates 25° 59' 10.0" N latitude and 80° 11' 36.3" W longitude, which is 4.63 miles from its authorized location. Through investigation, agents also determined that on December 6,

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

2017, WEXI-LP was operating with an antenna height of 81.1 meters and a TPO of 162 watts, and that WEXI-LP was previously operating with a TPO of 1,910 watts.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, The Truth Will Set You Free Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct The Truth Will Set You Free Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of The Truth Will Set You Free Inc. with personal knowledge of the representations provided in The Truth Will Set You Free Inc.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Office of the Director – Region Two
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to The Truth Will Set You Free Inc. at its address of record and to its counsel, David O'Connor, at doconnor@wbklaw.com.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage
Director – Region Two
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).